

RESOLUTION 2021-17

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BEAUMONT-CHERRY VALLEY WATER DISTRICT
AMENDING THE TEMPORARY MEETING
TELECONFERENCE POLICY AND SUPERSEDING
RESOLUTION 2020-06**

WHEREAS, on March 4, 2020 California Governor Gavin Newsom declared a state of emergency and state agencies including Cal/OSHA and the Department of Public Health promulgating health guidelines which are still in effect; and

WHEREAS, on March 18, 2020, the Board adopted Resolution 2020-06 establishing the Temporary Meeting Teleconference Policy in Response to the Impact of the Respiratory Illness Pandemic COVID-19 and in concert with executive orders issued by the Governor; and

WHEREAS, Assembly Bill 361 passed by the legislature and signed by the Governor on September 16, 2021 made changes to the Brown Act regarding teleconferencing and established new rules and procedures which address items included in this policy,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the Beaumont-Cherry Valley Water District Policies and Procedures Manual Part II is hereby revised and amended to include the revised Temporary Meeting Teleconference Policy attached herewith as Exhibit A.

ADOPTED this 13 day of October, 2021 by the following vote:

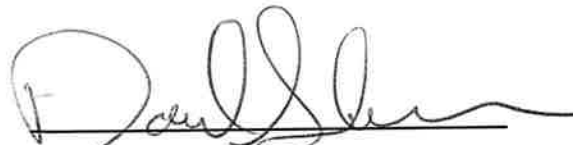
AYES: Covington, Hoffman, Slawson, Williams

NOES:


ABSTAIN: Ramirez

ABSENT:

ATTEST:



Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachments: Exhibit A – Temporary Meeting Teleconference Policy

EXHIBIT A

TEMPORARY MEETING TELECONFERENCE POLICY IN RESPONSE TO A STATE OF EMERGENCY

PURPOSE

- To protect the health and safety of BCVWD directors, employees and the public while maintaining transparency.
- To incorporate the provisions of Assembly Bill 361 as chaptered on September 16, 2021 and comply with The Brown Act, Government Code § 54953 et. seq.
- To identify modified teleconferencing options under a gubernatorial proclaimed state of emergency.

POLICY

1. The Brown Act allows a legislative body to use any type of teleconferencing in connection with any meeting (Government Code § 54953 (b)).
2. Teleconference is defined as "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio, or video, or both."
3. Teleconference meetings must be conducted in a manner that protects the statutory and constitutional rights of citizens (Government Code § 54953 (b)(3)).
4. AB 361 amended Government Code § 54953 and permits a government agency to meet via teleconference pursuant to certain procedures under the following circumstances:
 - a. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
 - b. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
 - c. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
5. The Board of Directors will use information and guidelines from local, state, and federal agencies to determine risks to the health and safety of meeting attendees.
6. The Board of Directors may impose or recommend measures that promote social distancing or consider making findings that meeting in person would present an imminent safety hazard to meeting attendees.
7. In response to identified risks the Beaumont-Cherry Valley Water District may implement this Temporary Meeting Teleconference Policy, effective until the termination of the

Governor's proclaimed State of Emergency or until terminated by vote of the Board of Directors.

8. The following components of the Brown Act related to teleconferencing have been ***suspended***:
- Notice of each teleconference location from which a member will be participating in a public meeting.
 - Each teleconference location be accessible to the public.
 - Members of the public may address the body at each teleconference conference location.
 - Post agendas at all teleconference locations.
 - At least one member of the state body be physically present at the location specified in the notice of the meeting.
 - During teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.
9. As urged by the Governor's Executive Order, the BCVWD will "use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to its meetings."
10. This Temporary Meeting Teleconference Policy will be in effect during the period in which state or local public health officials have imposed or recommended social distancing measures.

TELECONFERENCE MEETING PROCEDURE

Applicable to any meetings held by BCVWD that are subject to the Brown Act.

Responsible	Step	Action	Notes
Administrative Assistant	1	Contact members of the Board of Directors to poll who prefers to use teleconferencing	<ul style="list-style-type: none">Remind the Board members that all votes must be taken by roll call when teleconferencing is in use.Under the Executive Order, teleconference locations do not have to be posted or accessible to the public, nor does a quorum of members need to be present within the jurisdiction.A Board member may phone in from a location of their convenience.

Information Technology Manager	2	Set up the needed equipment for teleconferencing of the meeting, such as A/V needs and conference call capability	None of the elected officials or staff need be physically present in the Board Room for the meeting. Technology must be available to enable the public to participate in the meeting.
Administrative Assistant	3	Post proper advance notice of the meeting per Brown Act regulations. Identify that the meeting will make use of Teleconferencing.	Teleconference locations do not have to be listed specifically. The agenda must give notice of the means by which members of the public may observe the meeting and offer public comment.
Administrative Assistant	4	Prepare agenda packets as usual, with fewer paper copies as deemed appropriate	Care must be taken to assure that all materials are clear, readable and available to both those present and those teleconferencing. This is part of legal due process under Government Code § 54953 (b)(3). There will be no opportunity to provide handouts to teleconference participants.
Staff	5	Set up the Board Room according to CDC guidelines for social distancing and assure ADA compliance	This is applicable only if the current Governor's Executive Order permits such gatherings.
Legal Counsel or Director of Finance and Administrative Services or designee	6	At the opening of the meeting, read into the record the documentation (script) regarding the agenda posting, the Governor's Executive Order, setup of teleconference facilities, attendance, and roll calls in compliance with the Brown Act	
Director of Finance and Administrative Services or designee	7	Remind Board members that all votes must be taken by roll call.	
Information Technology Manager	8	Assure that any teleconferencing of Closed Session is not available to the public and non-essential staff	Consider delaying any closed session items to a meeting when all Board members are physically present.